



**US Army Corps  
of Engineers**  
Philadelphia District

Wanamaker Building  
100 Penn Square East  
Philadelphia, PA 19107-3390  
ATTN: CENAP-OP-R

# Public Notice

Public Notice No.  
CENAP-OP-R- 200600557-39

Date

**MAY 24 2006**

Application No.

File No.

In Reply Refer to:  
**REGULATORY BRANCH**

This District has received an application for a Department of the Army permit pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403) and Section 404 of the Clean Water Act (33 U.S.C. 1344).

The purpose of this notice is to solicit comments and recommendations from the public concerning issuance of a Department of the Army permit for the work described below.

**APPLICANT:** Maryland State Highway Administration

**AGENT:** Maryland State Highway Administration  
707 North Calvert Street  
Baltimore, MD 21202-3601

**WATERWAY:** Chesapeake and Delaware Canal

**LOCATION:** From the intersection of Second Street and Nebo Road, approximately 900 feet to the Back Creek Bridge, along State Route 286, in Chesapeake City, Cecil County, Maryland.

**ACTIVITY:** The applicant proposes perform bank stabilization and rehabilitate a culvert at the project site. Sheet piles will be installed within the waterway from equipment staged from the road, to allow work along the roadway to be performed in the dry. Approximately one hundred twenty seven (127) square feet of the waterway, waterward of the mean high water line, would be temporarily impacted by the installation of siltation fencing to allow construction access to the work site. Within the dewatered portion of the waterway, approximately four (4) square feet of the waterway, waterward of the high tide line, would be impacted associated with the installation of a new culvert at the site. Rip rap, stone and grade aggregate base would be used as fill on the site. The sheet piles would remain in place after completion of work at the site to stabilize the road and associated sidewalk.

**PURPOSE:** The applicant's stated purpose is to stabilize the sidewalk and slope along the roadway to allow for safe use by pedestrians and motorists.

A preliminary review of this application indicates that the proposed work would not affect listed species or their critical habitat pursuant to Section 7 of the Endangered Species Act as amended. As the evaluation of this application continues, additional information may become available which could modify this preliminary determination.

The decision whether to issue a permit will be based on an evaluation of the activity's probable impact including its cumulative impacts on the public interest. The decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the work must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the work will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs and welfare of the people. A Department of the Army permit will be granted unless the District Engineer determines that it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Comments on the proposed work should be submitted, in writing, within 15 days to the District Engineer, U.S. Army Corps of Engineers, Philadelphia District, Wanamaker Building, 100 Penn Square East, Philadelphia, Pennsylvania 19107-3390.

Review of the National Register of Historic Places indicates that no registered properties or properties listed as eligible for inclusion therein are located within the permit area of the work.

The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act 1996 (Public Law 104-267), requires all Federal agencies to consult with the National Marine Fisheries Service on all actions, or proposed actions, permitted, funded, or undertaken by the agency that may adversely effect Essential Fish Habitat (EFH). A preliminary assessment of the species listed in the "Guide to Essential Fish Habitat Designations in the Northeastern United States, Volume IV: New Jersey and Delaware", dated March 1999, indicates that the site does not fall within the area designated as EFH. As such, no further action, with regard to EFH or the species of concern is required by this office.

In accordance with Section 307(c) of the Coastal Zone Management Act of 1972, applicants for Federal Licenses or Permits to conduct an activity affecting land or water uses in a State's coastal zone must provide certification that the activity complies with the State's Coastal Zone Management Program. The applicant has stated that the proposed activity complies with and will be conducted in a manner that is consistent with the approved State Coastal Zone Management (CZM) Program. No permit will be issued until the State has concurred with the applicant's certification or has waived its right to do so. Comments concerning the impact of the proposed and/or existing activity on the State's coastal zone should be sent to this office, with a copy to the State's Office of Coastal Zone Management.

In accordance with Section 401 of the Clean Water Act, a Water Quality Certificate is necessary from the State government in which the work is located. Any comments concerning the work described above which relate to Water Quality considerations should be sent to this office with a copy to the State.

The evaluation of the impact of the work described above on the public interest will include application of the guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404(b) of the Clean Water Act.

Any person may request, in writing, to the District Engineer, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for a public hearing shall state in writing, with particularity, the reasons for holding a public hearing.

Additional information concerning this permit application may be obtained by calling Lawrence M. Slavitter at (215) 656-6734 or writing this office at the above address.



Frank J. Cianfrani  
Chief, Regulatory Branch



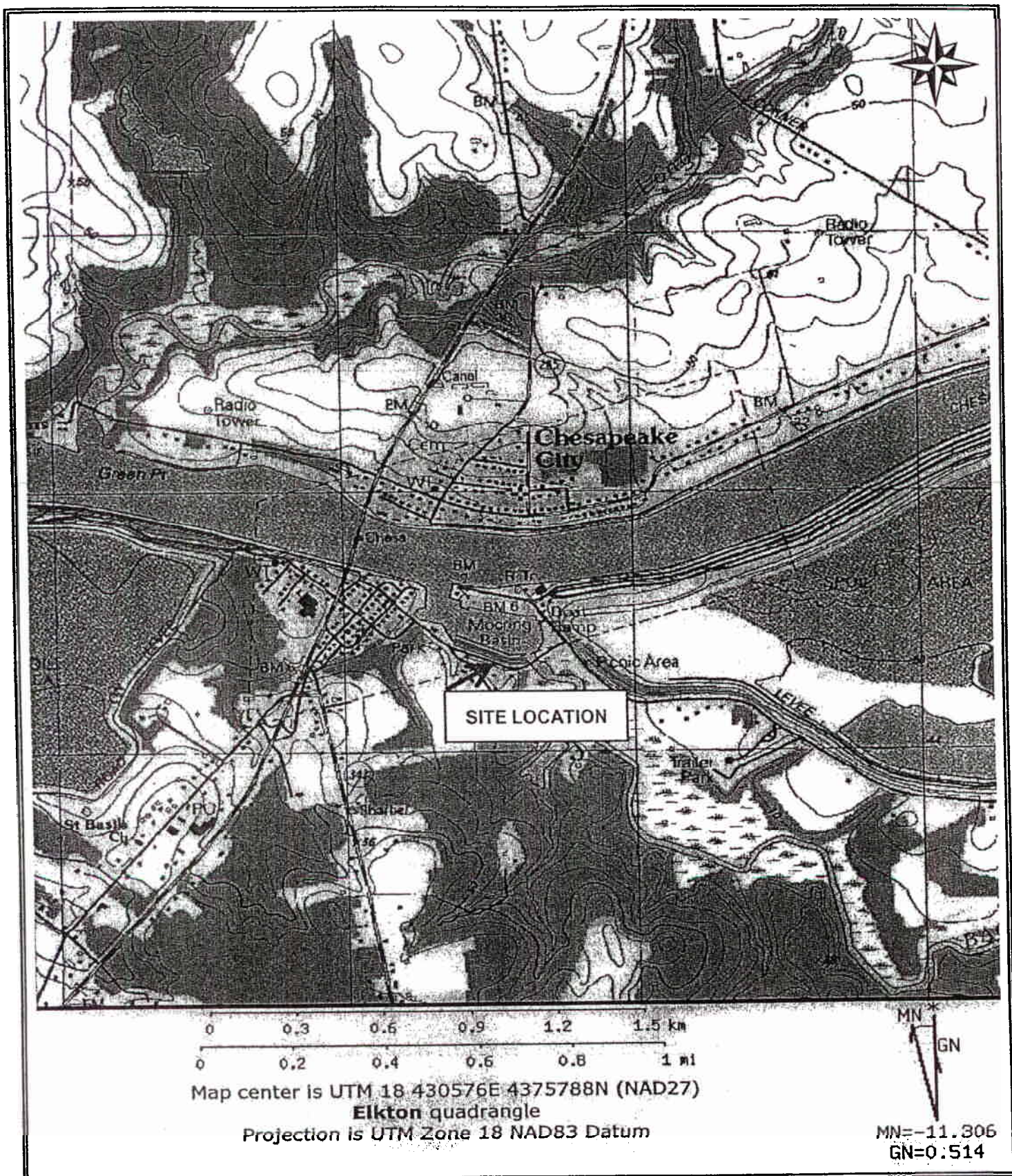


Figure 2 - USGS Quad Map

Chesapeake City, Cecil County  
 Sidewalk Improvements  
 Maryland State Highway Administration





NOTE: ALL IMPACTS TO WATERS OF THE US ON THIS PLATE WILL BE TEMPORARY IMPACTS FOR CONSTRUCTION ACCESS.

NOTE: DECKING WILL BE REMOVED FROM EXISTING PIERS AND REPLACED AFTER SHEET PILE CONSTRUCTION. NO DISTURBANCE TO WATERS TO THE US.

TO CHESAPEAKE CITY

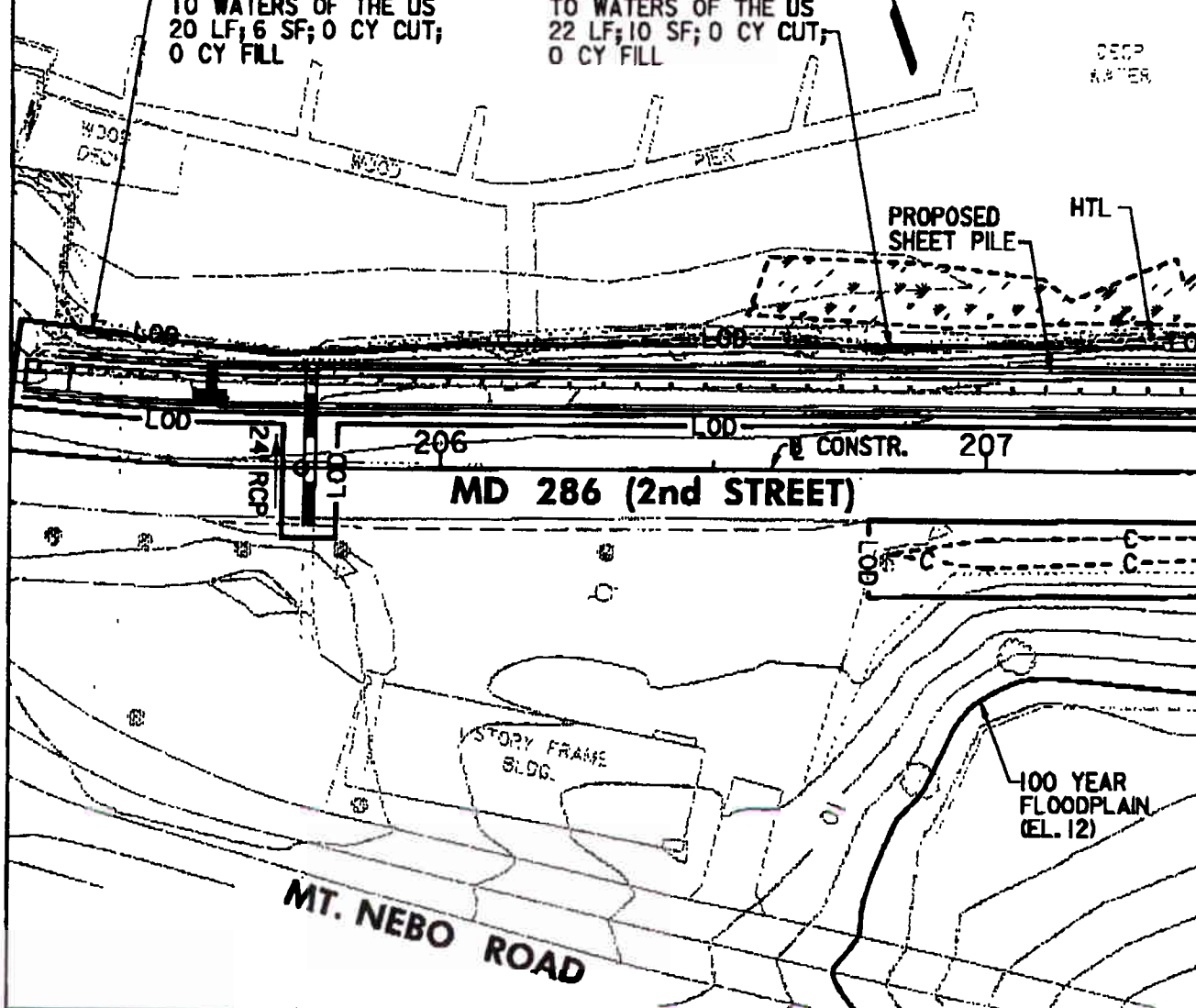
TO DELAWARE

TEMPORARY IMPACT  
TO WATERS OF THE US  
20 LF; 6 SF; 0 CY CUT;  
0 CY FILL

TEMPORARY IMPACT  
TO WATERS OF THE US  
22 LF; 10 SF; 0 CY CUT;  
0 CY FILL

DECK  
AFTER

MATCH LINE - SEE PLATE 2



Legend of Wetland and Water Impacts

LIMIT OF DISTURBANCE

— LOD —

HIGH TIDE LINE

HTL

TEMPORARY IMPACTS TO  
WATERS OF THE US  
(42 LF, 16 SF, 0.0004 Ac.,  
0 CY CUT, 0 CY FILL)



PERMANENT IMPACTS TO  
WATERS OF THE US  
(0 LF, 0 SF, 0 Ac.)



Maryland Department of Transportation  
State Highway Administration



Runnel, Klepper & Kohl, LLP  
CONSULTING ENGINEERS 10000 STREET BALTIMORE, MARYLAND 21207

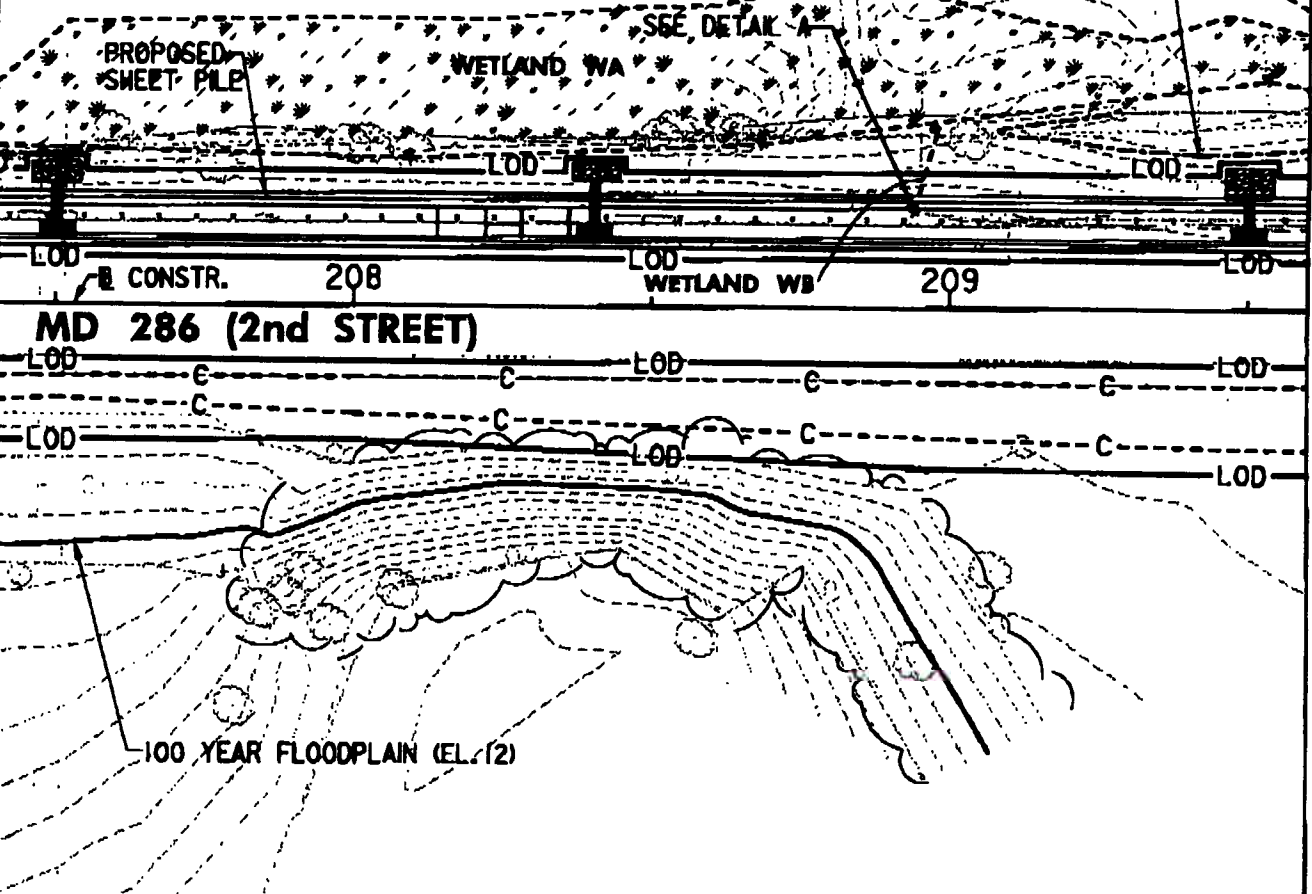
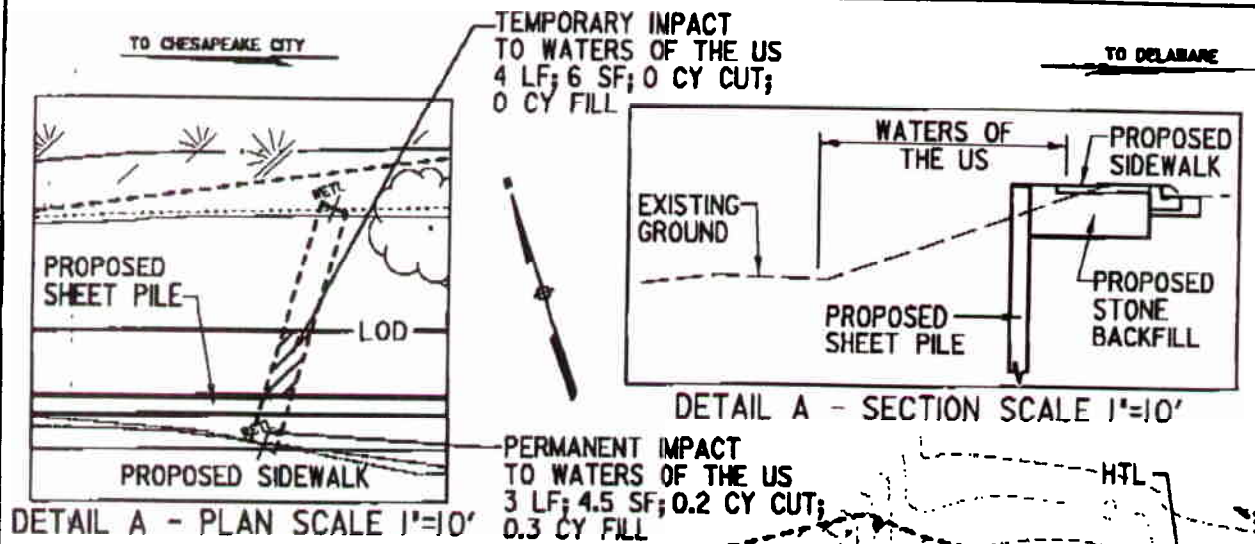
**SLOPE FAILURE REPAIR  
ON MD 286 FROM MT. NEBO ROAD  
TO BRIDGE NO. 007053 OVER BACK CREEK**

DATE: SEPTEMBER 2005

REVISION DATE: MAY 2006

SCALE: 1" = 30'

PLATE 1 OF 4



#### Legend of Wetland and Water Impacts

LIMIT OF DISTURBANCE

— LOD —

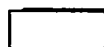
HIGH TIDE LINE

HTL

TEMPORARY IMPACTS TO  
WATERS OF THE US  
(4 LF, 6 SF, 0.00014 Ac.,  
0 CY CUT, 0 CY FILL)



PERMANENT IMPACTS TO  
WATERS OF THE US  
(3 LF, 4.5 SF, 0.0001 Ac.,  
0.2 CY CUT, 0.3 CY FILL)



Maryland Department of Transportation  
State Highway Administration



Rummel, Klepper & Kahl, LLP  
CONSULTING ENGINEERS • 8000 WOODBURY DRIVE, SUITE 200, WOODBURY, MD 21791

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PLATE 2 OF 4

TO CHESAPEAKE CITY

TO DELAWARE

NOTE: DECKING WILL BE REMOVED FROM EXISTING PIERS AND REPLACED AFTER SHEET PILE CONSTRUCTION. NO DISTURBANCE TO WATERS TO THE US.

WOOD PILE

PROPOSED SHEET PILE

HTL

LOD

LOD

210 CONSTR.

LOD

211

LOD

MD 286 (2nd STREET)

LOD

C

C

C

LOD

MATCH LINE - SEE PLATE 2

MATCH LINE - SEE PLATE 4

# Legend of Wetland and Water Impacts

LIMIT OF DISTURBANCE

— LOD —

HIGH TIDE LINE

HTL

TEMPORARY IMPACTS TO WATERS OF THE US  
(0 LF, 0 SF, 0 Ac.)



PERMANENT IMPACTS TO WATERS OF THE US  
(0 LF, 0 SF, 0 Ac.)



Maryland Department of Transportation  
State Highway Administration



Rummel, Klepper & Kahl, LLP  
CONSULTING ENGINEERS 11000 2ND STREET BALTIMORE, MARYLAND 21202

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PLATE 3 OF 4

8/9/2006 K:\proj\001\183-125-Environment\wetplate3.dgn



TO CHESAPEAKE CITY

TO DELAWARE

NOTE: DECKING WILL BE REMOVED FROM EXISTING PIERS AND REPLACED AFTER SHEET PILE CONSTRUCTION. NO DISTURBANCE TO WATERS TO THE US.

NOTE: ALL IMPACTS TO WATERS OF THE US ON THIS PLATE WILL BE TEMPORARY IMPACTS FOR CONSTRUCTION ACCESS.

WATERS OF THE US  
TEMPORARY IMPACTS  
55 LF; 105 SF; 0 CY CUT;  
0 CY FILL

HTL

PROPOSED  
SHEET PILE

WETLAND WE

MATCH LINE - SEE PLATE 3

212

MD 286

(2nd STREET) 213

TRAIL & CONSTR.

100 YEAR FLOODPLAIN

### Legend of Wetland and Water Impacts

LIMIT OF DISTURBANCE

LOD

HIGH TIDE LINE

HTL

TEMPORARY IMPACTS TO  
WATERS OF THE US  
(55 LF, 105 SF, 0.002 Ac.,  
0 CY CUT, 0 CY FILL)



PERMANENT IMPACTS TO  
WATERS OF THE US  
(0 LF, 0 SF, 0 Ac.)



Maryland Department of Transportation  
State Highway Administration



Rummel, Klepper & Kahl, LLP  
CONSULTING ENGINEERS 4000 STREET BALTIMORE, MARYLAND 21201

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PLATE 4 OF 4